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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,031	06/25/2001	Kenneth H. Tarbet	4001-00800	7507
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CONLEY ROSE, P.C. 5700 GRANITE PARKWAY, SUITE 330 PLANO, TX 75024			EXAMINER ALI, MOHAMMAD	
			ART UNIT	PAPER NUMBER

2166

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/888,031

Applicant(s)

TARBET, KENNETH H.

Examiner

Mohammad Ali

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 11-15 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is in response to the application filed on June 25, 2001.

The application has been examined. Claims 1-15 are pending in this Office Action.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-10 are drawn to a method to receive the dimensional database from plurality of tables, classified in class 707, subclass 3.
 - II. Claims 11-15 are drawn to a method for an inventory item to a customer identifier, classified in class 705, subclass 22.

The inventions are distinct, each from the other because of the following reasons:

Inventions in Groups I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention in Group I has separate utility such as a method to receive the dimensional database from plurality of tables. See MPEP § 806.05(d). Invention in Group II has separate utility and requires a method for an inventory item to a customer identifier.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purpose as indicated is proper.

A telephone call was made to Attorney. Rodney B. Carroll (Reg. No. 39,624) on January 31, 2005 to request an oral election to the above restriction requirement and the representative elected group I with traverse to prosecute the case.

Applicants are advised that the reply to this requirement to be complete must include and election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These claims are not in Technological Arts, since no technology is recited.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In this case "dimensional database" is not described in the specification.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In this case "dimensional database" is not described in the specification.

Information Disclosure Statement

7. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. In pages 2-3 the listing references should be PTO-892 in order for the consideration.

Art Unit: 2167

Drawing objections

8. The drawings are objected to because they fail to show necessary textual labels of features or symbols in Fig. 1 as described in the specification. For example, placing a label, "UPC code", with elements 24, 16,..., of Fig. 1, would give the viewer necessary detail to fully understand this element at a glance. A *descriptive* textual label for *each numbered element* in these figures would be needed to fully and better understand these figures without substantial analysis of the detailed specification. Any structural detail that is of sufficient importance to be described should be shown in the drawing. Optionally, applicant may wish to include a table next to the present figure to fulfill this requirement. See 37 CFR 1.83. 37 CFR 1.84(n)(o) is recited below:
- "(n) Symbols. Graphical drawing symbols may be used for conventional elements when appropriate. The elements for which such symbols and labeled representations are used must be adequately identified in the specification. Known devices should be illustrated by symbols which have a universally recognized conventional meaning and are generally accepted in the art. Other symbols which are not universally recognized may be used, subject to approval by the Office, if they are not likely to be confused with existing conventional symbols, and if they are readily identifiable.
- (o) Legends. Suitable descriptive legends may be used, or may be required by the Examiner, where necessary for understanding of the drawing, subject to approval by the Office.

Specification

9. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-10 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bair et al. ('Bair' hereinafter), WO 99/23585.

With respect to claim 1,

Bair teaches a method of picking records from at least one first table of a dimensional database, corresponding to at least one future event (see pg. 7, lines 1-9, Bair), the method comprising:

receiving the dimensional database comprising a first plurality of tables comprising the at least one first table, each of a second plurality of the first plurality of tables comprising a plurality of rows having at least one attribute related to an effective identifier in said row, the second plurality comprising a third table comprising a plurality of rows, each of the plurality of rows of the third table comprising a reference to a row of at least one other table in the dimensional database (see pg. 7, lines 1-16, Bair); and, following the receiving (see pg. 14, lines 29-30, Fig. 3A, Bair) step:

fashioning at least one second table responsive to an identifier attribute of at least one of the at least one first table of the dimensional database (see pg. 42, lines 4-6 and pg. 7, lines 9-13 et seq, Bair); and

responsive to at least one attribute of at least one row of the at least one second table, picking at least one row from the at least first table of the dimensional database and a table produced responsive to at least a portion of a first table of the dimensional database (see pg. 42, lines 7-11 and pg. 7, lines 17-24, Bair).

As to claim 2,

Bair teaches wherein the picking step comprises joining at least one row from the one selected from the first table of the dimensional database with the table produced

from a first table of the dimensional database (see pg. 42, claim 2 and pg. 7, lines 17-24, Bair).

As to claim 3,

Bair teaches wherein the picking step comprises selecting at least one row from the one selected from the first table of the dimensional database with the table produced from a first table of the dimensional database (see pg. 7, lines 1-9, and pg. 42, claim 3, Bair).

As to claim 4,

Bair teaches comprising the additional step of picking, independently of the second table, at least one row from a table selected from at least one of the first tables of the dimensional database and a table produced responsive to at least one of the first tables of the dimensional database (see pg. 7, lines 1-9, and pg. 42, claim 4, Bair).

As to claim 5,

Bair teaches additionally comprising the step of fashioning at least intermediate table from at least one of the at least one second table (see pg. 7, lines 1-9, and pgs. 42-43 and claim 5, Bair); and;

wherein the picking step responsive to the portion of the at least one second table is additionally responsive to at least one intermediate table (see pg. 7, lines 1-9, and pgs. 42-43, claim 5, Bair).

As to claim 6,

Bair teaches wherein the fashioning step consists essentially of: receiving an identifier of a first input table comprising at least a portion of one of the first tables, the

first input table comprising a plurality of rows, at least one row consisting of at least one selected from an item effective identifier and a user effective identifier (see pg. 7, lines 1-16, and pg. 43, claim 6, Bair); and

fashioning the third table comprising at least one row consisting of at least one selected from at least one identifier corresponding to at least one of the item identifiers from at least one row of the first input table and at least one identifier corresponding to at least one of the user identifiers from at least one row of the first input table (see pg. 7, lines 1-16, and pg. 43, claim 6, Bair).

With respect to claim 7,

Bair teaches method of improving customer loyalty (see pg. 32, lines 20-25, and pg. 43, claim 7, Bair), said method comprising:

receiving a dimensional database comprising a first plurality of tables comprising at least one first table, each of a second plurality of the first plurality of tables comprising a plurality of rows having at least one attribute related to an effective identifier in said row, the second plurality comprising a third table comprising a plurality of rows, each of the plurality of rows of the third table comprising a reference to a row of at least one other table in the dimensional database (see pg. 7, lines 1-16, and pg. 43, claim 7, Bair); and,

following the receiving (see pg. 14, lines 29-30, and pg. 43, claim 7, Bair) step:

fashioning at least one second table responsive to an item identifier attribute of at least one of the at least one first table of the at least one dimensional database (see pg. 7, lines 1-16, and pg. 43, claim 7, Bair); and

responsive to at least one of the at least one second table, picking at least one row from one selected from a first table of the dimensional database and a table produced responsive to at least a portion of at least a portion of at least one first table of the dimensional database (see pg. 7, lines 1-16, and pg. 44, claim 7, Bair); and,

receiving an identifier of a first input table comprising at least a portion of one of the first tables, the first input table comprising a plurality of rows, at least one row consisting of at least one selected from an item effective identifier and a user effective identifier (see pg. 7, lines 1-16, and pg. 43, claim 6, Bair); and

fashioning the third table comprising at least one row consisting of at least one selected from at least one identifier corresponding to at least one of the item identifiers from at least one row of the first input table and at least one identifier corresponding to at least one of the user identifiers from at least one row of the first input table (see pg. 13, lines 8-18, and pg. 43, claim 6, Bair).

As to claim 8,

Bair teaches comprising the additional step of delivering the third table to a user corresponding to the user identifier (see pg. 39, lines 15-20, and pg. 43, claim 6, Bair).

As to claim 9,

Bair teaches wherein the delivery step comprises delivery of a computer-readable copy of the third table to the corresponding user (see pg. 39, lines 15-20, and pg. 43, claim 6, Bair).

As to claim 10,

Art Unit: 2167

Bair teaches wherein the delivery step comprises delivery of a printed copy of the third table to the corresponding user (see pg. 39, lines 15-20, and pg. 43, claim 6, Bair).

Conclusion

12. Bair et al. (USP 6,003,024) teaches all the limitation as claimed by the applicant see the specification and especially claims 1-7 almost identical of Blair's patent claims 1-7 respectively.

Also, applicant's advised to look **MPEP 35 U.S.C. 135 (b) Interferences**.

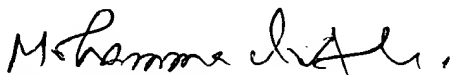
Art Unit: 2167

Contact Information

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (571) 272-4105. The examiner can normally be reached on Monday-Thursday (7:30 am-6:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Mohammad Ali
Primary Examiner
Art Unit 2167

MA
February 5, 2005